IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6334 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMKISHORE S YADAV - Petitioner
Versus
STATE OF GUJARAT & 2 - Respondents

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Appearance :
MR PM THAKKAR for Petitioner:
MR HEMANT MAKWANA, LD. AGP for Respondents : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 07/09/2007

ORAL JUDGMENT

1. Ms. Vinita Vinayak for Mr. PM Thakkar, learned senior counsel for the petitioner submits that this Court [Coram: J.P. Desai, J (as he then

was] vide order dated 12/4/1989 made in Civil Application No. 555 of 1989 in Special Civil Application No. 6334 of 1987, directed the respondents to permit the applicant, i.e. the petitioner to discharge his duties as Police Constable / Driver at M.T. Section, Shahibaug Headquarters, Ahmedabad, and was to be allowed to draw his salary and usual allowances from the day he was permitted to resume his duty. Further proceedings in the departmental inquiry initiated against the applicant, i.e. the present petitioner pursuant to the charge sheet dated 7-2/3-1989 was stayed till disposal of two criminal cases being Criminal case Nos. 199 of 1988 and 200 of 1988 pending in the Court of the Metropolitan Magistrate, Ahmedabad. Copy of the order passed by this Court dated 12/4/1989 is placed on record. Ms. Vinayak submits that despite their efforts for contacting the petitioner no response is received and therefore, this petition be disposed of for want of instructions, with a liberty to revive the same in case of any difficulty.

2. Learned AGP Mr. Makwana appearing for the State submits that, he shall have no objection if such permission is granted. Accordingly, in view of the statement & request made on behalf of the petitioner, this petition is disposed of as withdrawn. However liberty is reserved to the petitioner and also to the State to revive the

same in case of any difficulty. Petition is disposed of accordingly. Rule discharged. Interim relief, if any, granted earlier shall stand vacated. No cost.

[S.R. BRAHMBHATT, J]

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